

12-18-01

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BOX 580

JCS31 U.S. PTO
12/12/01

December 12, 2001

Assistant Commissioner for Patents
Box Reissue
Washington, D.C. 20231

J1050 U.S. PTO
10/017682
12/12/01

Re: Reissue Application of Hashem AKHAVAN-TAFTI
U.S. Patent No. 6,001,614
Issued: December 14, 1999
Assignee: LUMIGEN, INC.
Attorney Docket No.: Lum 4.1-79

Dear Sir:

Attached hereto are the papers necessary for filing a reissue application based on the captioned U.S. Patent No. 6,001,614, issued December 14, 1999:

-- the reissue application, comprising a complete copy of U.S. Patent No. 6,001,614, including the specification and claims (28 columns in double column format, and including sequence listing), the cover page including the Abstract, and the patent drawings (Figs. 1-7); the patent comprising 21 sheets in total;

-- to the extent necessary, 7 clean sheets of formal drawings of Figures 1-7 are provided;
-- Declaration Under 37 C.F.R. § 1.175, And Power of Attorney
-- Consent of Assignee And Proof of Ownership, with attached recorded Assignment;
-- Offer To Surrender Letters Patent;
-- Information Disclosure Statement, Form PTO-1449, and a copy of each document listed thereon;

-- Preliminary Amendment And Statement of Status/Support For Changes to the Claims, the amended claims and newly added claims of which are expressly incorporated by reference into the reissue application;

-- copy of Terminal Disclaimer dated July 13, 1999, and filed during prosecution of U.S. Patent No. 6,001,614;

-- copy of Statement in Support, and paper and electronic versions of the Sequence Listing filed during prosecution of U.S. Patent No. 6,001,614; and

-- Return Receipt Postcard.

Applicant claims benefit of small entity status in accordance with 37 CFR § 1.27.

The Government filing fee is calculated as follows (**Small Entity fees apply**):

Total claims	<u>29</u>	-	20	=	<u>9</u>	x	\$9.00	=	<u>\$81.00</u>
Independent claims	<u>4</u>	-	3	=	<u>1</u>	x	\$42.00	=	<u>\$42.00</u>
Base Fee									\$370.00

TOTAL FILING FEE

\$493.00

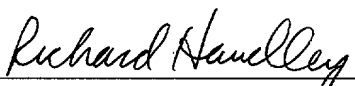
Please charge the statutory filing fee of \$493.00 to Deposit Account No. 12-2368. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 and any petitions for extension of time under 37 C.F.R. § 1.136 which may be required during the entire pendency of the application to Deposit Account No. 12-2368. A duplicate copy of this transmittal letter is attached.

Please direct all correspondence about the reissue application:

Richard S. Handley, Ph.D.
LUMIGEN, INC.
22900 West Eight Mile Road
Southfield, MI 48034
Telephone: (248) 351-5600

To the extent necessary, benefit is claimed under 35 United States Code §120 of United States Patent Application No. 09/241,353, filed February 2, 1999, which issued as U.S. Patent No. 6,001,614 for which reissue is now sought. The cover page of the patent, submitted as the reissue application, already references this original application; therefore, it is not believed that a specific cross-reference in the specification is necessary.

Respectfully submitted,


Richard S. Handley, Ph.D.
Registration No. 38,484

LUMIGEN, INC.
22900 West Eight Mile Road
Southfield, MI 48034
Telephone: (248) 351-5600

Date: December 12, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: Lum. 4.1-53

In re patent application of

Akhavan-Tafti, Hashem

Serial No. 09/121,887

Filed: July 24, 1998

For: METHODS OF SYNTHESIZING POLYNUCLEOTIDES BY LIGATION OF
MULTIPLE OLIGOMERS

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;

2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and

3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

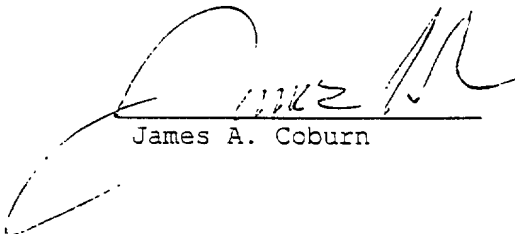
Serial No. 09/121,887

States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,

Sept. 21, 1998

Date


James A. Coburn

HARBOR CONSULTING
Intellectual Property Services
1500A Lafayette Road
Suite 262
Portsmouth, N.H.
800-318-3021

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: Hashem Akhavan-Tafti

Assignee: LUMIGEN, Inc. Attorney Docket No: Lum 4.1-79

U.S. Patent No.: 6,001,614 Issued: December 14, 1999

Reissue Appln. No. _____ Group Art Unit: _____

Confirmation No.: _____ Examiner: _____

Filed: December 12, 2001

Title: METHODS OF SYNTHESIZING LABELED POLYNUCLEOTIDES BY
LIGATION OF MULTIPLE OLIGOMERS

OFFER TO SURRENDER LETTERS PATENT

Assistant Commissioner for Patents

Box Reissue

Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.178, Applicant for reissue hereby offers to surrender U.S. Patent No. 6,001,614 to the U.S. Patent and Trademark Office, upon the Examiner indicating that all claims in the above-identified Reissue Application are allowable.

Respectfully submitted,



Richard S. Handley, Ph.D.

Registration No. 38,484

LUMIGEN, INC.
22900 West Eight Mile Road
Southfield, MI 48034
Telephone: (248) 351-5600

Date: December 12, 2001

Practitioner's Docket No. Lum. 4.1-55**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Application No.: 09 / 241,353 Group No.: 1655

Filed: 02/02/99

Examiner: D. Johannsen

For: Methods of Synthesizing Polynucleotides by Ligation
of Multiple Oligomers☐ *Patent No.: Issue Date:

*NOTE: Preferably also insert inventor's name and invention title.

Assistant Commissioner for Patents
Washington, D.C. 20231**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))****Identification of Person(s) Making This Disclaimer**I, Richard S. Handley
(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

☐ an inventor of this invention.☐ an assignee of this invention.**WARNING:** "If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56.☐ a representative authorized to sign on behalf of the assignee identified below.☐ A statement under 37 C.F.R. § 3.73(b) is attached.**WARNING:** See the above "WARNING".☒ the attorney of record for this invention.**NOTE:** The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56.**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

MAILING☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.**FACSIMILE**☐ transmitted by facsimile to the Patent and Trademark Office.Date: 7/13/99.Nicole R. Lockhart
Signature
Nicole R. Lockhart
(type or print name of person certifying)

IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMER

(if applicable)

The assignee is

Name of assignee _____

Address of assignee _____

Title of disclaimant authorized to sign on behalf of assignee _____

EXTENT OF DISCLAIMER'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in:

- ☐ the whole of this invention.
- ☐ a sectional interest in this invention, as follows:

(state the exact interest of the disclaimant)

RECORDAL OF ASSIGNMENT IN PTO

(if applicable)

- ☐ The assignment was recorded on _____
Reel _____
Frame _____
- ☐ Authorization for recordal of the assignment is separately attached.
- ☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or
☐ FORM PTO 1595 is also attached.

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

(if applicable)

- ☐ Attached is a STATEMENT UNDER 37 C.F.R. § 3.73(b) establishing the right of the assignee to take action in this case.

DISCLAIMER

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and § 173 of the patent or application forming the basis of the double patenting rejection.

☐ United States Patent No. _____, as presently shortened by any terminal disclaimer,

☒ Any patent granted on application number
09 / 245,984, 09/121,887, 09/241,979

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to

☐ United States Patent No. _____,

☒ Any patent granted on application number
09 / 245,984, 09/121,887, 09/241,979

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and § 173 of the patent or application forming the basis of the double patenting rejection.

☐ United States Patent No. _____, as presently shortened by any terminal disclaimer,

☒ Any patent granted on application number
09 / 245,984, 09/121,887, 09/241,979

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

FEE STATUS

(37 C.F.R. § 1.20(d))

☐ Other than a small entity—fee \$110.00.

☒ Small entity—fee \$55.00.

☐ A statement is attached.

☒ A statement was already filed

optional

☐ in patent application _____

☐ on _____

Date

FEE PAYMENT

- ☐ Attached is a check in the sum of \$_____
- ☐ Charge Account _____ for any fee deficiency.
- ☒ Charge Deposit Account 12-2368 the sum of \$ 55.00
- A duplicate of this disclaimer is attached.

Date:

July 13, 1999.

Reg. No.: 38,484

Customer No.:

Richard Handley

Signature of disclaimant

Richard Handley

SIGNATURE OF PRACTITIONER OF RECORD

Richard S. Handley
(type or print name of practitioner)

24485 W Ten Mile Rd
P.O. Address

Southfield, MI 48035